

AB-165U

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Serial No.: 10/057,116

OCT 09 2006  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Todd K. Whitehurst et al.

Application No.: 10/057,116

Filed: January 24, 2002

Title: "Fully Implantable Neurostimulator for Peripheral  
Nerve Stimulation as a Therapy for Chronic Pain"

Confirmation No.: 1864

Examiner: SCHAEZTLE, Kennedy

Group Art Unit: 3766

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated July 14, 2006, rejecting the following claims 1-11, 15-22, 27 and 28.

(X) The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

- ( ) one month \$120.00
- ( ) two months \$450.00
- ( ) three months \$1020.00
- ( ) four months \$1590.00

( ) The extension fee has already been filed in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **18-0013/40328-0030** the sum of **\$500.00**. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **18-0013/40328-0030** pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account **18-0013/40328-0030** under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being transmitted to the US Patent and Trademark Office via facsimile number **(571) 273-8300** on **October 9, 2006**

Number of pages transmitted: 4

Signature:   
Rebecca R. Schow

Respectfully submitted,

By: 

Steven L. Nichols (Reg. No.: 40,326)  
Attorney/Agent for Applicant(s)  
Telephone No.: (801) 572-8066  
Date: October 9, 2006

**RADER,****FISHMAN****& GRAUER****PLLC**

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Re: Application No. - 10/057,116

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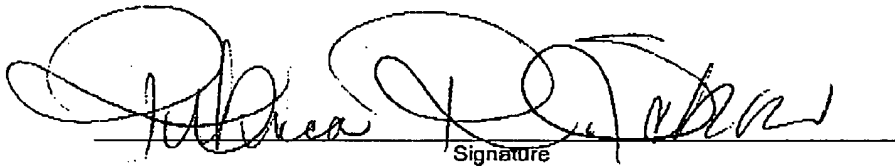
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Attorney Docket No.: AB-165U

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